

U.S. DEPARTMENT OF COMMERCE
CHARTER OF THE
MATERIALS TECHNICAL ADVISORY COMMITTEE

ESTABLISHMENT:

In accordance with Section 5(h)(1) of the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401-2420 (the "Act")), the Assistant Secretary for Export Administration, Bureau of Industry and Security, made the following determinations necessary for the continuation of the work of the Materials Technical Advisory Committee.

1. Representatives of a substantial segment of the materials industry have requested the appointment of this technical advisory committee.
2. Articles, materials, and supplies in the materials area that may serve as elements in the development of nuclear, missile, chemical, and biological weapons, including technical data and other information, are difficult to evaluate because of questions concerning technical matters, worldwide availability, actual use of the products and technology, and licensing procedures.

Consistent with Section 5(h)(4) of the Act, the Secretary of Commerce has consulted with the Committee in regard to its continuation and the Committee has recommended that the charter be renewed. The Committee was initially chartered in 1986 under the authority of the Export Administration Act of 1979. The Committee has continued to advise the Department under renewed charters since that time. The charter is hereby renewed consistent with the Export Administration Act of 1979, as amended.¹

OBJECTIVES AND DUTIES:

1. The objectives of the Committee are to advise and assist the Secretary of Commerce and other Federal agencies and officials referred to in Section 5(h)(2) of the Act with respect to actions designed to carry out the policy set forth in Section 3(2)(A) of the Act. The Committee will be consulted where a recognized need of the Department of Commerce exists with respect to questions involving: (a) technical specifications and policy issues relating to

¹From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 C.F.R., 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. §§ 1701 - 1706 (2000))("IEEPA"). The Act expired on August 20, 2001. Executive Order 13222 of August 17, 2001 (3 C.F.R., 2001 Comp., p. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 2, 2005 (70 Fed. Reg. 45273, August 5, 2005), continues the Regulations in effect under the IEEPA (50 U.S.C. §§ 1701-1706 (2000)).

those

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specifications that are of concern to the Department; (b) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology; (c) licensing procedures that affect the level of export controls applicable to any goods, software, or technology; (d) revisions of the Commerce Control List (as provided in subsection (c)(4)), including proposed revisions of multilateral controls in which the United States participates; (e) the issuance of regulations; and (f) any other questions relating to actions designed to carry out the policy set forth in Section 3(2)(A) of the Act. The Committee's activities include evaluation and commentary on data and other evidence available from the Department, other reliable sources, and its own experience. The Committee will provide advice to the Department with respect to these matters. The Chairperson will submit an annual report and annual plan to the Department. The report will include a summary of the efforts of the Committee during the year and any recommendations agreed on by the Committee.

2. The Committee serves on a continuing basis within the limitations of the law.
3. The Committee functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act.

MEMBERS AND CHAIRPERSON:

1. The Committee consists of not more than 35 members from industry and Government who are appointed by the Secretary of Commerce. Industry members are engineers, scientists, or other qualified persons from a representative cross-section of the materials industry in the United States. Government members are, to the extent possible, specialists in these product areas or export control technicians. Consistent with Section 5(h)(1) of the Act, the industry members shall not serve on the Committee for more than four consecutive years. Members who do not attend four consecutive Committee meetings will have their membership terminated.
2. The Chairperson will be elected by the Committee as required by Section 5(h)(4) of the Act. It is desired that the Chairperson serve only a two-year term; however, with a majority vote the Chairperson may be re-elected, subject to continuation of the Committee.
3. Members will be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance.

ADMINISTRATIVE PROVISIONS:

1. The Committee reports to the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce.

2. The Committee meets at least every three months at the call of the Chairperson, unless the Chairperson determines, in consultations with other members of the Committee, that such a meeting is not necessary to achieve the purposes of the Act. Meetings and work of the Committee shall be consistent with the provisions of Section 5 of the Act as well as the provisions of the Federal Advisory Committee Act.
3. The Office of Exporter Services, Bureau of Industry and Security, provides administrative support for the Committee.
4. Industry members will not be reimbursed for travel, subsistence, and other expenses incurred by them in connection with their duties as members of the Committee.
5. The estimated annual operating cost of the Committee is \$27,910, which includes an estimated 0.3 person-year of staff support.
6. The Committee may establish such subcommittees from among its members as may be necessary, subject to the provisions of the Federal Advisory Committee Act and Part II, Chapter 2, Section F, Department of Commerce Committee Management Handbook. Subcommittee members must be approved by the Assistant Secretary for Export Administration.

DURATION:

This charter will terminate two years from the date of the filing of this charter with the appropriate U.S. Senate and House of Representatives Oversight Committees unless earlier terminated or renewed by proper authority. As required by Section 5(h)(4) of the Act, the Secretary shall consult the Committee with regard to termination or extension of the Committee.

Chief Financial Officer and
Assistant Secretary for Administration

Date